

Chapter 1

THE LEGAL FRAMEWORK

What do Constitutions define?

Argentina | 1853, last reform 1994

Leading Political Procedures	Military Instrument
<p>Powers of the President: Commander-in-Chief of the Armed Forces (Sec.99, Sub. 12). Declare war with the approval of Congress (Sec. 99, Sub. 15) and the state of siege in case of external attacks, for a limited period, with the approval of the Senate (Sec. 99, Sub. 16). Appoint senior officers with the approval of the Senate (Sec. 99, Sub. 13). Arrange, organize and deploy the Armed Forces (Sec. 99, Sub. 14).</p> <p>Powers of Congress: Approve the declaration of war (Sec. 75, Sub. 25) and the declaration of state of siege in case of external attacks (Sec. 61). Authorize the President to make peace (Sec. 75, Sub. 25). Authorize the entry of foreign troops to the national territory and allow the deployment of national troops outside the country (Sec. 75, Sub. 28). Establish the Armed Forces (Sec. 75, Sub. 27). The Chamber of Deputies has the law-making initiative for raising revenues and the recruitment of troops (Sec. 52). Organize and oversee the Armed Forces (Sec. 75, Sub. 27). Levy direct taxes for a certain amount of time, in all the territory of the Nation, as long as the defence, common security and State general welfare policies so require (Sec. 75, Sub. 2). Approve or dismiss treaties entered into with other nations and with international organizations, as well as the concordats with the Holy See (Sec. 75, Sub. 22).</p>	<p>No reference.</p>

Bolivia | 2009

Leading Political Procedures	Military Instrument
<p>Powers of the President: Provide the security and defence of the Nation (Sec. 172, sub. 16). Appoint and dismiss the Commander-in-Chief of the Armed Forces and the Chiefs of the Army, the Air Force and Navy. (Sec. 172, sub. 17). Recommend to the Plurinational Legislative Assembly promotions to Army General, Air Force General, Major General and Brigadier General; Admiral, Vice-Admiral and Rear Admiral (Sec. 172, sub. 19). Exercise the powers as <i>Capitán General</i> (Commander) of the Armed Forces and make use of them for the defence of the State, its independence and territorial integrity (Sec. 172, sub. 25). The Executive shall have direct access to information on budgeted and executed expenses of the Armed Forces through the appropriate Ministry (Sec. 321, sub. 5).</p> <p>Powers of the Plurinational Legislative Assembly*: Approve the entry of foreign troops to the national territory and the deployment of national troops outside the country (Sec. 158, sub. 1, 21 and 22). Approve in each legislature the military strength to be maintained in times of peace (Sec. 159, sub.10). Ratify promotions proposed by the Executive to Army General, Air Force General, Major General and Brigadier General; Admiral, Vice-Admiral, Rear-Admiral and Bolivian Police General (Sec. 160, sub. 8).</p> <p>Supreme Defence Council of the Plurinational State*: Composition, organization and powers established by law, presided over by the <i>Capitán General</i> of the Armed Forces (Sec. 248). It is not allowed to set up foreign military bases in the Bolivian territory (Sec. 10).</p>	<p>They are composed of the Command-in-Chief, the Bolivian Army, Air Force and Navy (Sec. 243). Mission: defend and maintain national independence, security and stability of the State and the national honor and sovereignty; secure the rule of the Political Constitution, guarantee the stability of the legally-established Government and participate in the overall development of the country (Sec. 244). Organization: Relying on hierarchy and discipline principles. The Armed Forces are to be obedient, non-deliberating, and subject to the laws and military regulations. As an institutional body, the Armed Forces shall not carry out any political action; individually, the members of the Armed Forces are entitled to exercise their citizen rights under the terms established by Law (Sec. 245). Active members shall not be eligible for public office at elections, unless they have previously resigned at least three months before the election day (Sec. 238, sub. 4). The Armed Forces report to the President of the Nation and follow his/her orders on administrative matters, through the Minister of Defence and, on technical matters, they respond to the Commander-in-chief (Sec. 246, sub. 1). In case of war, operations shall be led by the Commander-in-Chief. (Sec. 246, sub. 2). No foreign citizen shall be appointed to any command or administrative position in the Armed Forces without prior authorization granted by the <i>Capitán General</i> of the Armed Forces (Sec. 247, sub. 1). Promotions in the Armed Forces shall be determined by law (Sec. 250). In case of international war, the Bolivian Police Force shall report to the Commander-in-chief of the Armed Forces for the duration of the conflict (Sec. 254). The Armed Forces' fundamental duty is to secure the defence, security and control of the border security areas. The Armed Forces shall participate in overall sustainable development policies for these areas and shall ensure their permanent physical presence there (Sec. 263). Military conscription for male citizens (Sec. 108, Sub. 2 and 249). The military will have jurisdiction to try military crimes as set forth by law (Sec. 180, sub. 3).</p>

Brazil | 1988, last reform 2023

Leading Political Procedures	Military Instrument
<p>Powers of the President: Initiate laws, on its own, to establish or modify the number of regular military members, rule over members of the military, their justice system, promotions, stability, assignment of positions, remuneration, reform, and transfer to the reserve (Sec. 61, sub. 1). Order the state of defence and state of siege (Sec. 84, sub. 9). Supreme Commander of the Armed Forces (Sec 84, sub. 13). Appoint the Chiefs of the Armed Forces, and promote general officers, as well as assign them to positions exclusive to them (Sec. 84, sub. 13). Convene and preside over meetings of the Council of the Republic and the National Defence Council (Sec. 84, sub. 18). Declare war with the approval of the Congress, in the event of a foreign aggression (Sec. 84, sub. 19). Make peace, with the approval of the Congress (Sec. 84, sub. 20). Allow the entry of foreign troops (Sec. 84, sub. 22).</p>	<p>The Armed Forces are a national permanent, regular and non-political institution, organized on the bases of hierarchy and discipline They are composed of the Navy, the Army and the Air Force (Sec. 142). Mission: defend the Motherland and guarantee constitutional powers as well as, on the latter initiative, law and order (Sec. 142) Service member incorporation, age limits, rights, obligations, remuneration, prerogatives and other special situations of military members, given the nature of their activities, including duties under international commitments and war shall all be determined by law (Sec. 142). The members of the military on active duty are not entitled to join labour unions or go on strike; neither can they join a political party (Sec. 142, sub. 4); they are not allowed to take elective positions unless they previously retire from the military (Sec. 14, sub. 8), habeas corpus does not apply to military disciplinary punishment (Sec. 142, sub. 2). Military service is compulsory in accordance with the law (Sec. 143).</p>

* Denomination used in the constitutional text

Brazil

Powers of the Congress:

Determine and modify the strength of the Armed Forces (Sec. 48, sub. 3). Authorize the President to declare war, make peace and approve the deployment of troops (Sec. 49, sub. 2).
Approve the state of defence and federal intervention, authorize the state of siege or suspend any of such measures (Sec. 49, sub. 4).

Council of the Republic:

It is the President's higher consultation body (Sec. 89).
Expresses position on federal intervention, state of war and state of siege (Sec. 90, sub. 1).

National Defence Council:

It is the President's consultation body on issues related to national sovereignty and the defence of the democratic State (Sec. 91).
Expresses its position on war declaration and peace settlement (Sec. 91, sub. 1); declaration of the state of defence, state of siege and federal intervention (Sec. 91, sub. 2). Proposes the criteria and conditions for the use of areas that are key to the security of the national territory, and expresses opinion on its effective use, especially on border zones and those associated with the preservation and exploitation of natural resources of any kind (Sec. 91, sub. 3).

Military justice: it shall be incumbent upon the Military Courts to try and judge military crimes defined by law. Military justice organization, operation and competence shall be determined by law (Sec. 124).

Chile | 1980, last reform 2024

Leading Political Procedures	Military Instrument
<p>Powers of the President: Maintain external security (Sec. 24). Appoint and remove the Commanders-in-Chief of the Army, the Navy and the Air Force (Sec. 32, sub. 16; Sec. 105). Appoint, promote and remove officers (Sec. 32, sub. 16). Arrange, organize and deploy the Armed Forces according to national security needs (Sec. 32, sub. 17). Supreme Chief of the Armed Forces in times of war (Sec. 32, sub. 18). Declare war once the pertinent law has been adopted, and after hearing the National Defence Council (Sec. 32, sub. 19). Order payments not authorized by law to meet the pressing needs derived from external aggressions, internal conflict and serious harm or danger to national security (Sec. 32, sub. 20). Declare the state of assembly in case of external war, with the approval of the National Congress (Sec. 40). The President has the legal initiative to establish the air, land and sea forces, and the ones for the entry and deployment of troops (Sec. 65; Sec. 63, sub. 13). To order, by means of a substantiated supreme decree, signed by the Ministers of the Interior and Public Security and of National Defence, that the Armed Forces will be responsible for the protection of the country's critical infrastructure in the event of a serious or imminent danger, determining such infrastructure to be protected. (Section 32, sub. 21).</p> <p>Powers of Congress: Indict (only Representatives) and judge (only Senators) Generals and Admirals (Sec. 52, sub. 2, d; Sec. 53, sub. 1). Approve or dismiss international treaties introduced by the President in order to be ratified (Sec. 54, sub. 1). The Chamber of Deputies (Lower House) has the law-making initiative regarding recruitment matters (Sec. 65).</p> <p>National Security Council: Advise the President on national security (Sec. 106).</p>	<p>Composed of the Army, the Navy and the Air Force (Sec. 101). Mission: defend the Motherland (Sec. 101); safeguard the public order during elections (Sec. 18). The members of the military on active duty cannot be elected Deputies or Senators unless they resign and retire during the year preceding the election (Sec. 57, sub. 10). Report to the National Ministry of Defence, they are essential to national security, they are obedient, non-deliberating, professional and disciplined, and follow a hierarchical order (Sec. 101). Incorporation to the Armed Forces is performed through their own schools, except in the case of professional scales and civilian personnel (Sec. 102). The military conscription and other personal duties imposed by law are mandatory under the terms and modalities specified therein (Sec. 22). Appointments, promotions, retirement of officers, ranks, incorporation, social security, seniority, command succession and budget are determined by constitutional organic law (Sec. 105). The right to a legal defence, in the administrative and disciplinary spheres, shall be governed by the relevant regulations of the respective bylaws (Sec. 19, sub 3). The Chiefs of Staff of the Army, Navy and Air Force shall be appointed by the President among the five most senior generals; they will serve for four years, shall not be appointed for another term, and will enjoy permanence in their office. The President, by means of a presidential decree, duly justified and previously informed to the Chamber of Deputies and the Senate, may order the retirement of the Chiefs of Staff before they complete their respective term (Sec. 104).</p>

Colombia | 1991, last reform 2023

Leading Political Procedures	Military Instrument
<p>Powers of the President: Supreme Commander of the Armed Forces (Sec. 189, Sub. 3). Conduct operations when deemed necessary (Sec. 189, Sub. 5). Provides to external security (Sec. 189, Sub. 6). Declare war with the approval of the Senate, except in case of foreign aggression and accord peace, informing Congress (Sec. 189, Sub. 6). Allow, when the Senate is in recess, the transit of foreign troops through the territory of the Republic (Sec. 189, Sub. 7). Grant ranks to public force members and submit for Senate approval those promotions that may so require (Sec. 289, sub. 19).</p> <p>Powers of Congress: Dictate general rules with objectives and criteria to establish wage levels and social benefits for the military (Sec. 150, Sub. 19, e). Approve the appointment of senior officers (Sec. 173, Sub. 2). Approve the entry of foreign troops (Sec. 173, Sub. 4). Approve the declaration of war (Sec. 173, Sub. 5).</p> <p>State Council*: In case of foreign troops' transit through the national territory, and of stay or transit of foreign warships or combat aircraft in national waters or airspace, the government shall first take the advice of the State Council (Sec. 237, Sub. 3).</p>	<p>The Military Forces*: The Military Forces comprise the Army, the Navy and the Air Force (Sec. 217). Mission: defend the sovereignty, independence, integrity of the nation's territory and constitutional order (Sec. 217). The members of the military on active duty are not entitled to join labour unions (Sec. 39), vote, make petitions except on issues related to their service, or to participate in political activities and debates (Sec. 219). The Commanders of the Military Forces cannot be elected President before one year following their previous position (Sec. 197). In case of a manifest violation of a constitutional rule to the disadvantage of any person, the responsibility shall fall exclusively on the superior who has issued the order (Sec. 91). Military members cannot be deprived of their ranks, honours and pensions except in the cases and way provided for by law (Section 220). Professional, cultural and social promotion systems for members of the public force shall be determined by law. The fundamentals of democracy and human rights shall be taught during the professional training phase (Sec. 217 and 222). Military justice for military crimes (Sec. 221 and Sec. 250), civilians may not be tried by the Martial Law (Sec. 213).</p>

* Denomination used in the constitutional text

Costa Rica 1949, last reform 2023	
Leading Political Procedures	Public Force
<p>Powers or the Legislative Assembly Approve or dismiss international agreements, public treaties and concordats. Public treaties and international agreements that assign or transfer certain powers to a community legal order in order to achieve regional and common objectives require the approval of the Legislative Assembly, through a vote of no less than two-thirds of its members. Protocols of lesser range derived from public treaties or international agreements approved by the Assembly do not require legislative approval when such instruments expressly authorize such derivation. Approve or disapprove the entry of foreign troops onto national territory and permission for warships or planes to stay at ports and airfields. Authorize the Executive to declare a state of national defence and to make peace. (Sec. 121, Sub. 4,5 and 6).</p> <p>Powers of the President: Supreme Commander of the Public Forces (Sec. 139, Sub. 3). The following are duties and powers that correspond jointly to the President and respective Government Minister (Sec. 140, Sub. 1, 6, 12 y 16): Appoint and remove members of the Public Force, employees and officials who hold positions of trust, and others determined, in very specific cases, by the Civil Service Law. Maintain the order and peace of the Nation; take the necessary measures to safeguard public freedoms. Preside over the Republic's international relations. Employ the Public Force to maintain the country's order, defence and security.</p> <p>Government Council: Composed of the President of the Republic and Ministers, it is under the primary authority of the Presidency and exercises the following function: request the Legislature to declare a state of national defence and authorization to decree military recruitment, organize the army, and negotiate peace (Sec. 147, Sub. 1).</p>	<p>The Army is abolished as a permanent institution. The police forces necessary for the monitoring and maintenance of public order are provided for. The organization of military forces will be only permitted through continental agreement or for the purpose of national defence; in either case they shall always be subordinate to the civil power; they may not deliberate or make statements or representations individually or collectively (Sec. 12). Serving members of the military cannot be elected as deputies or run as candidates. (Sec. 109, Sub. 5).</p>

Cuba 1976, last reform 2002	
Leading Political Procedures	Military Instrument
<p>Powers of the National Assembly of People's Power*: Approve the general foreign and domestic policy guidelines (Sec. 75, Sub. h). Declare the state of war in case of military aggression and approve peace treaties (Sec. 75, Sub. i).</p> <p>Powers of the State Council*: Decree general mobilization when required for the defence of the country and assume the powers assigned to the National Assembly by the Constitution to declare war in case of aggression or make peace, when this Assembly is in recess or cannot be summoned with the necessary celerity and security conditions. (Sec. 90, Sub. f).</p> <p>Powers of the President of the State Council and Head of State*: Exercise the Highest Command of all the armed institutions and dictate their general organization. Preside over the National Defence Council (Sec. 93, Sub. g and h).</p> <p>Powers of the Council of Ministers*: Provide for national defence, maintenance of internal order and security, and the protection of human life and assets in case of natural disasters. (Sec. 98, Sub. ch).</p> <p>National Defence Council*: Convened and prepared in times of peace to lead the country under state-of-war conditions, during war, general mobilization or state of emergency. (Sec. 101).</p> <p>Local Bodies of the People's Power*: The Province and Municipal Assemblies of the People's Power are responsible for reinforcing the defensive capacity of the country (Sec. 105 and Sec. 106, Sub. m). The Defence Councils of the Provinces, Municipalities and Defence Zones are created and prepared in times of peace to lead their respective territories in a state of war, during the war, general mobilization or state of emergency, based on a general defence plan and the role and responsibilities of the army's military councils (Sec. 119).</p>	<p>Revolutionary Armed Forces*: The members of the Revolutionary Armed Forces and other armed organizations have the right to vote and be elected as any Cuban citizen (Sec. 134).</p>

Dominican Republic 2010, last reform 2015	
Leading Political Procedures	Military Instrument
<p>Powers of the President: Direct foreign and domestic policies and conduct civilian and military administration. Supreme authority of the Armed Forces (Sec. 128). Appoint or dismiss members of the military jurisdiction (Sec. 128, Sub. 1, c). Enter into and sign international treaties or conventions and submit them for approval to the National Congress (Sec. 128, Sub. 1, d). Decide on all issues related to the Armed Forces; lead the Armed forces directly or through the relevant ministry, always maintaining the supreme command thereof. Establish their strength and make use of the Armed forces to perform public service duties (Sec. 128, Sub. 1, e). Take the necessary measures to provide and ensure the legitimate defence of the Nation, while informing the National Congress of any rules adopted (Sec. 128, Sub. 1, f). Declare the states of exception if the National Congress were not in session (Sec. 128, Sub. 1, g). Decide on anything related to the military zones (Sec. 128, Sub. 1, i).</p> <p>Powers of the Congress: Authorize (Senate) the presence of foreign troops to perform military exercises in the territory of the Republic, under the request of the President</p>	<p>The Armed Forces are responsible for the Nation's defence (Sec. 252). Their mission is to defend the independence and sovereignty of the Nation, the integrity of its geographical spaces, the Constitution and the institutions of the Republic (Sec. 252, Sub. 1). Their nature shall be essentially defensive, without prejudice to the provisions set forth in Section 260 (Sec. 259). The high-priority national objectives are: 1) To combat transnational criminal activities that may endanger the interests of the Republic and its inhabitants 2) To organize and sustain effective systems that may prevent or mitigate damages caused by national and technological disasters (Section 260). They shall intervene, as ordered by the President of the Republic, in programs intended to promote the social and economic development of the country, mitigate disasters or public catastrophe situations, and provide assistance to the National Police to maintain or restore public order in exceptional cases (Sec. 252, Sub. 2). They are essentially obedient to the civil power, are not affiliated to any political party and are not entitled to deliberate under any circumstance</p>

* Denomination used in the constitutional text

of the Republic, provided there is no previous agreement, and approve and disapprove the deployment of national troops outside the country in peace missions authorized by international organizations (Sec. 80, Sub. 6 and 7).
 Declare the state of national defence (Sec. 93, Sub. 1, f).
 Determine, under the request of the President of the Republic, the creation of permanent public security or defence corps composed of members of the Armed Forces and the National Police, subordinated to the ministry or institution of the sphere of their respective competences in accordance with the law (Sec. 261).

National Security and Defence Council*:

Advise the President of the Republic on the design of national security and defence policies and strategies and on any other matter requested by the President (Sec. 258).

(Sec. 252, Sub. 3). The members of the military on active duty cannot run for President or Vice-President unless they have retired at least three years before the election (Sec. 123, Sub. 4).

The Armed Forces shall be responsible for the custody, supervision and control of all weapons, ammunitions and other military supplies, as well as war material and equipment, entering the country or produced by the national industry, subject to the restrictions established by law (Sec. 252).

No discrimination shall be exerted in the admission, appointment, promotion and retirement of Armed Forces members, in accordance with their organic law and other complementary laws (Sec. 253).

The military jurisdiction shall only have competence to try military infractions determined by the relevant laws. The Armed Forces shall have a military discipline regime applicable to those offenses that do not constitute an infraction under the military criminal justice system (Sec. 254).

Ecuador | 2008, last reform 2021

Leading Political Procedures

Powers of the President:

Exercise the highest authority over the Armed Forces and appoint military senior staff (Sec. 147, Sub. 16).

Assume the political direction of the national defence (Sec. 147, Sub. 17).
 Decree the state of exception in all or part of the national territory in case of aggression, international or internal armed conflict, grave internal unrest, public catastrophe or natural disaster (Sec. 164).

Once the state of exception is declared, the President shall be entitled to make use of the Armed Forces and the National Police and summon the whole or part of the reserved forces, as well as personnel of other institutions, for active service (Sec. 165, Sub. 6).

Powers of the National Assembly*:

Approve or reject international treaties when appropriate (Sec. 120, Sub. 8).
 The ratification or rejection of international treaties shall require prior approval of the National Assembly if:

1. They are related to territorial or border matters.
2. They establish any political or military alliance (Sec. 419).

Military Instrument

Its core mission is to defend the country's sovereignty and territorial integrity and, subsidiarily, to support the State's comprehensive security as set forth by law (Section 158).

The Armed Forces and the National Police are institutions designed to protect citizens' human rights, liberties and guarantees. The members shall be trained in accordance with the fundamental principles of democracy and human rights, and shall respect the dignity and rights of the people (Sec. 158).

They shall be obedient and non-deliberating and shall comply with their mission under strict observance of the civilian control and the Constitution. The Armed Forces senior leadership shall be responsible for their orders. Obedience to orders issued by senior officers of the Armed Forces shall not relieve subordinates from their responsibility (Sec. 159).

Voting shall not be compulsory for members of the Armed Forces (Sec. 62, Sub. 2).
 Members of the service on active duty cannot be candidates for elections subject to popular vote nor ministers of State (Sec. 113, Sub. 8 and Sec. 152, Sub. 3).

The recruitment of candidates to the Armed Forces shall not be based on discrimination. The members of the Armed Forces shall be subject to the specific laws regulating their rights and obligations, as well as their system of promotions based on merit and gender equality criteria. Their stability and professionalization shall be guaranteed (Sec. 160). Civil and military service is voluntary and shall be carried out under the respect of citizens' rights and diversity. All kinds of forced recruitment are forbidden (Sec. 161). The Armed Forces shall only be allowed to participate in economic activities related to the national defence and shall provide their resources to support national development in accordance with the law. Their reserves shall be organized based on the needs for the compliance of their duties. The State shall allocate the necessary resources for their equipment, training and education (Sec. 162).

Military barracks are not places authorized for the custody of civil population (Sec. 203, Sub. 1).

The members of the Armed Forces shall make a sworn statement of their assets prior to any promotion or retirement (Sec. 231).

The Armed Forces shall have a special social security regime. The State guarantees the payment of retirement pensions to the members of the military. (Sec. 370).

Disciplinary arrests of military members shall be conducted in accordance with the Law (Sec. 77).

Members will be tried by the Judiciary branch bodies; in the case of crimes committed while at a specific mission, they shall be tried by courts specialized in military matters, which are part of the same Judiciary Branch. Disciplinary offenses shall be tried by the competent bodies established by law (Sec. 160). Under the principle of jurisdictional unit, Armed Force members shall be tried by the ordinary justice system (Sec. 188).

El Salvador | 1983, last reform 2014

Leading Political Procedures

Powers of the President:

General Commander of the Armed Force (Sec. 157).

Maintain full sovereignty and integrity of the territory (Sec. 168, Sub. 2). Sign treaties and international agreements, subjecting them to the approval of the Legislative Assembly (Sec. 168, Sub. 4).

Report on what the Assembly requires, except in the case of secret military plans (Sec. 168, Sub. 7).

Organize, maintain and arrange the Armed Forces, confer military ranks in accordance with the law (Sec. 168, Sub. 11).

Summon the Armed Force for the defence of national sovereignty and exceptionally, if no other means rest for the maintenance of internal peace, for the public security and tranquillity of the State (Sec. 168, Sub. 12).

Direct war and accord peace treaties with the approval of the Assembly (Sec. 168, Sub. 13).

Determine, on a yearly basis, a reasonable number of Armed Forces personnel. (Sec. 168, Sub.19)

Powers of the Legislative Assembly*:

In case of invasion, legally declared war or public calamity, the Assembly shall impose obligatory loans if ordinary public taxes are not enough to cover the costs

Military Instrument

The Armed Force: It is a permanent institution at the service of the Nation. It is obedient, professional, apolitical and non-deliberating (Sec. 211).

Its mission is to defend the sovereignty of the State and the integrity of the territory. The President of the Republic may exceptionally summon the Armed Force for keeping domestic peace. The main government branches, the Legislative, the Executive and the Judiciary, may use the Armed Forces to enforce any resolutions adopted within their respective jurisdictions, to ensure full compliance with the Constitution. The Armed Force shall cooperate with efforts of public benefit assigned by the Executive Power and shall aid the population in case of a national disaster (Sec. 212).

The Armed Force is obliged to cooperate with the special committees of the Legislative Assembly (Sec. 132).

It is part of the Executive branch and it is subordinated to the authority of the President as General Commander in chief. Its structure, legal system, doctrine, organization and operation are determined by law, rules and special regulations the President may adopt (Sec. 213).

The military professional career and promotions are strictly based on rank and in accordance with the law (Sec. 214)

Military service is obligatory (Sec. 215).

* Denomination used in the constitutional text

El Salvador

(Sec. 131, Sub. 6). Declare war and ratify peace (Sec. 131, Sub. 25). Approve or dismiss the transit of foreign troops on the national territory, (Sec. 131, Sub. 29).

Executive Body on the Branch of Defence and Public Security*:
Determine the number of troops annually according to the needs of the service (Sec. 213).

The members of the military on active duty cannot be part of any political party, or be candidates for elections. They can only be elected President three years after they retire (Sec. 82; Sec. 127; Sec. 152). They have no right to unionize. (Sec. 47). Military justice jurisdiction: purely military crimes and offenses (Sec. 216).

Guatemala | 1985, last reform 1993

Leading Political Procedures

Powers of the President:

General Commander of the Army. Exercise the command of the Armed Forces (Sec. 182, 183 and 246). Give orders via the general officer, colonel or the equivalent at the Navy, who serves as Minister of National Defence (Sec. 246). Provide for the defence and security of the Nation (Sec. 183, Sub. b). Confer promotions, decorations, military honours and extraordinary pensions (Sec. 246, Sub. b). Order the mobilization and demobilization of troops (Sec. 246 Sub. a).

Powers of the Congress:

Declare war and sign peace treaties (Sec. 171, Sub. f). Approve the transit of foreign troops on the national territory and the sojourn of foreign military (Sec. 172, Sub. a). Approve treaties that affect or may affect the security of the State or conclude a state of war (Sec. 172, Sub. b). The Army will report to Congress in the event that the President continues in their position once the constitutional period has come to an end and is not recognized by Congress (Sec. 165, Sub. g). The ministers of State are not obliged to come forward to the Congress to answer questions related to diplomatic issues or pending military operations (Sec. 166).

Military Instrument

The Army*:

It is unique and indivisible, essentially professional, apolitical, obedient and non-deliberating. It is composed of the land, air and maritime forces. Organization: hierarchical, based on the principles of discipline and obedience (Sec. 244). It is regulated by the Constitution, its Statutory Law and other military laws and regulations (Sec. 250). They are not obliged to carry out illegal orders or those that may involve committing a crime (Sec. 156). Mission: maintain independence, sovereignty and the honour of Guatemala, the integrity of the territory, and internal and external peace and security (Sec. 244); cooperate in emergency situations or public calamity (Sec. 249). To become a military officer, it is required to be a native Guatemalan citizen and not have adopted any foreign nationality at any time (Sec. 247). The members of the military on active duty cannot be elected Deputies (Sec. 164, Sub. f) or President, only if they were discharged or retired five years before taking office (Sec. 186, Sub. e), they are not entitled to vote or to make political or collective petitions (Sec. 248). The military courts shall acknowledge the crimes or offenses committed by the members of the Guatemalan Army (Sec. 219).

Haiti | 1987, last reform 2011

Leading Political Procedures

Powers of the President:

Guarantor of the independence and territorial integrity of the Nation (Sec. 138). Head of the Armed Forces, although never commands them in person (Sec. 143). Negotiates and signs international treaties, conventions and agreements and submits them to the National Assembly for ratification (Sec. 139). Declare war, and negotiate and sign peace treaties with the approval of the National Assembly (Sec. 140). With the approval of the Senate, the president appoints, by decree issued by the Council of Ministers, the Commander in Chief of the Armed Forces and Commander in Chief of the Police (Sec. 141).

Powers of the Prime Minister:

Together with the President of the Republic, is responsible for national defence (Sec. 159, Sub. 1).

Powers of the National Assembly*:

Ratify any decision to declare war, when all efforts at conciliation have failed; approve or reject international treaties and agreements. Decide when a state of siege should be declared, and, together with the Executive, order the suspension of constitutional guarantees and decide on any request to renew this measure (Sec. 98, Sub. 3).

Military Instrument

The "Public Forces" are composed of two distinct bodies: a. The Armed Forces, and b. The National Police. No other armed body may exist in the national territory. All members of the police and armed forces shall take an oath of loyalty and respect for the Constitution and the flag at the time of their enlistment (Sec. 263, Sub. 1 and 2). They were established to guarantee the defence and territorial integrity of the Republic (Sec. 264). The functions of the Armed Forces are:
a. to defend the country in case of war; b. protect the country against any foreign threats; c. ensure the surveillance of land, sea and air borders; d. to assist the police at the request of the Executive when the former is unable to handle the situation; e. assist the Nation in the event of a natural disaster; f. in addition to their regular duties, the Armed Forces may be assigned to development work (Sec. 266). They are apolitical. Members cannot be part of any political group or party and must demonstrate the strictest neutrality. Members of the Armed Forces exercise their right to vote under the Constitution (Sec. 265). Military personnel on active duty may not be appointed to any public office, except temporarily for the provision of specialized services. To be a candidate for elected public office, military personnel on active duty must be inactive or retired two years prior to the publication of the electoral decree. The military career is a profession. Its hierarchical structure, conditions of enlistment, ranks, promotions, demotions, and removals are determined by the regulations of the Armed Forces. Military personnel are under the jurisdiction of a military court only for offenses and crimes committed in wartime or for disciplinary violations. The state must provide benefits to military personnel of all ranks, fully guaranteeing their physical security (Sec. 267). Military service is compulsory for all Haitians over the age of eighteen years. The law provides for the procurement procedure, duration and regulations for the implementation of these services (Sec. 268).

Honduras | 1982, last reform 2021

Leading Political Procedures

Powers of the President:

General Commander of the Armed Forces, exercises the Command-in-Chief (Sec. 245, Sub. 16; Sec. 277). Maintain the peace and external security; repel external attacks or aggression (Sec. 245, Sub. 4), adopt measures for the defence of the Republic (Sec. 245, Sub. 16). Declare war and make peace if the Congress is in recess (Sec. 245, Sub. 17). Sign international treaties and agreements of a military nature, regarding the territory and sovereignty with the consent of the Congress (Sec. 245, Sub. 13). Allow the transit of foreign troops in the national territory and the de-

Military Instrument

They are permanent, apolitical, professional, obedient and non-deliberating (Sec. 272). They are composed of the High Command, the Army, the Air Force, the Navy and other organizations determined by the Statutory Law (Sec. 273). Their operation is regulated by the Statutory Law, laws and regulations (Sec. 274). The orders given by the President of the Republic shall be abided by and executed respecting the Constitution of the Republic and the principles of lawfulness, discipline and military professionalism (Sec. 278). The members of the military are not obliged to carry out illegal orders or those that involve committing a crime (Sec. 323). They have been created to defend the territorial integrity and sovereignty of

* Denomination used in the constitutional text

ployment of national troops outside the country with the approval of the Congress (Sec. 245, Sub. 43 and 44).

Confer military ranks (second lieutenant to captain) as recommended by the Secretary of National Defence (Sec. 245, Sub. 36; Sec. 290).

Ensure that the Armed Forces are apolitical, essentially professional, obedient and non-deliberating (Sec. 245, Sub. 37).

Powers of the Congress:

Declare war and make peace (Sec. 205, Sub. 28).

Confer military ranks (from major to general) suggested by the Executive Power (Sec. 205, Sub. 24; Sec. 290).

Approve the entry of foreign troops into the national territory and the deployment of national troops outside the country (Sec. 205, Sub. 26 and 27).

Determine the number of permanent troops (Sec. 205, Sub. 25).

Authorize reception of foreign military missions of assistance or technical cooperation in Honduras (Sec. 205, Sub. 29).

Secretary of State in the National Defence Dispatch*:

The Secretary shall be appointed and removed freely by the President of the Republic (Sec. 280).

National Defence and Security Council*:

Creation (Sec. 287).

Organization and operation determined by law (Sec. 287).

Board of Commanders of the Armed Forces*:

It is the consulting body for all the matters related to the Armed Forces. It rules over issues of its competence and acts as a Superior tribunal of the Armed Forces on matters that shall be subject to its knowledge. The Statutory Law of the Armed Forces and its Regulations rule over its operation (Sec. 285).

It is composed of the Chairman of the Joint Chief of Staff, the General Inspector and the Commanders of each Force (Sec. 286).

Joint Chief of Staff of the Armed Forces*:

The Chairman of the Joint Chief of Staff is selected and removed freely by the President among the members of the Board of Commanders (Sec. 280).

The Joint Chiefs of Staff is the higher technical body of consultation, planning, coordination and supervision, reporting to the Secretary of National Defence; its tasks are assigned by the Statutory Law of the Armed Forces (Sec. 283). It shall issue a statement previous to conferring the promotions to the officers (Sec. 290).

the Republic, maintain the peace, public order and the rule of the Constitution, the principles of free suffrage and alternation of the Presidency of the Republic (Sec. 272), cooperate with the National Police in the maintenance of public order (Sec. 272); and with State Secretariats, municipalities and other institutions, at their or the President's request, in public security, literacy, education, agriculture, environmental protection, transport, communications, health and land reform. Guidelines emanating directly from the President are also functions and duties of the Military Police of Public Order (Sec. 274).

They participate in international peacekeeping missions; provide logistical and technical support in communications and transport; in the fight against drug trafficking; collaborate through the provision of personnel and resources in response to natural disasters and emergency situations; as well as in programs to protect and conserve the ecosystem, in the academic education and technical training of its members and others in the national interest. Cooperate with public security institutions at the request of the Security Secretariat, to combat terrorism, arms trafficking and organized crime, as well as in the protection of the powers of the State and the National Electoral Council, at their request, for their installation and operation.

The Military Police of Public Order (MPOP) form part of the Armed Forces, and their duties and obligations are set out in their Special Law. Municipalities, areas under the special regime of Employment and Economic Development Zones (EEDZ), and other State agencies may, in special circumstances, request the President of the Republic to order the Armed Forces to participate in public security and crime reduction tasks through the Military Police of Public Order or other bodies (Sec. 274).

Promotions strictly determined by law (Sec. 290).

Appointments and removal of the members of the military, related with the administrative order, shall be granted in accordance with the Law of Public Administration. In the operating area, appointments and removals shall be conferred by the Chairman of the Joint Chiefs of Staff, in accordance with the organic structure of the Armed Forces, the Statutory Law, and other legal regulations, including the troops and auxiliary personnel (Sec. 282).

Voluntary military service (Sec. 276 and 288).

The members of the military on active duty are not entitled to vote, and they shall be eligible in the cases not prohibited by the law (Sec. 37). They cannot be elected Deputies prior to six months after they retire (Sec. 199, Sub. 4 and 6) or twelve months in case they are running for President (Sec. 240, Sub. 2, 3 and 4). National Defence College: it is the highest educational institution for the Armed Forces. It trains selected military and civilian personnel, so they take part in the national strategic planning (Sec. 289).

Institute of Military Social Security: for the protection, welfare and social security of all the members of the military, presided by the Chairman of the Joint Chief of Staff, shall operate in accordance with the specific Law (Sec. 291).

For defence and national security reasons, the territory shall be divided into military regions commanded by a Chief of Military Region. Their organization and operation shall be in accordance with the Statutory Law of the Armed Forces (Sec. 284).

Military justice for military crimes and offences (Sec. 90 and Sec. 91). A special law shall regulate the operation of military courts (Sec. 275).

Mexico | 1917, last reform 2024

Leading Political Procedures

Powers of the President:

Appoint and dismiss Colonels and other senior officers with the Senate's approval and the rest of the officers according to the law (Sec. 89, Sub. 4 and 5).

Declare war, as per a law previously passed by Congress (Sec. 89, Sub. 8).

Preserve national security and make use of the permanent Armed Forces and the National Guard to safeguard the security and external defence (Sec. 89, Sub. 6) and the National Guard (Sec. 89, Sub. 7)

Direct foreign policy and sign international agreements (Sec. 89, Sub. 10).

Powers of the Congress:

The Chamber of Deputies has the legal initiative on recruitment of troops (Sec. 72, Sub. h)

Declare war in view of the information submitted by the Executive Power (Sec. 73, Sub. 12)

Raise and maintain the Armed institutions and regulate their organization and service (Sec. 73, Sub. 14)

Enact laws on national security (Sec. 73, Sub. 29, m).

Approve (Senate) international treaties and conventions signed by the Executive Power, as well as its decision to conclude, denounce, suspend, modify, amend, withdraw reserves and formulate interpretations (Sec. 76, Sub. 1).

Approve the appointment of senior officers (Sec. 76, Sub. 2; Sec. 89, Sub. 4). Approve the transit of foreign troops in the national territory and the deployment of national troops outside the country, and the sojourn of squadrons of other powers in Mexican waters (Sec. 76, Sub. 3).

Military Instrument

The Standing Armed Force *:

It is required to be a Mexican citizen by birth to join the Army in times of peace or the Navy and Air Force at all times, and to be appointed to any position or perform any assignment in these forces (Sec. 32).

Matters of national security and organization, operation and discipline of the standing Armed Force cannot be subject to a popular consultation (Sec. 35, Sub. 8).

The Armed Forces are composed of the Army, the Navy and the Air Force (Sec. 73, Sub. 14).

Members of the military cannot be elected Deputies unless they retire ninety days before the election (Sec. 55, Sub. 4) or six months in case of the President (Sec. 82, Sub. 5).

In times of peace, no military authority may perform any functions other than those that are directly connected with military discipline (Sec. 129).

Crimes and offenses against military discipline shall be tried by military courts; however, under no circumstances and for no reason shall military courts extend their jurisdiction over persons who are not members of the Army (Sec. 13).

* Denomination used in the constitutional text

Nicaragua 1986, last reform 2021	
Leading Political Procedures	Military Instrument
<p>Powers of the President: Supreme Commander of the Army (Sec. 95 and 144). Under their leadership, the Commander in Chief of the Nicaraguan Army exercises their responsibility to participate in the national defence and security plans and policy-making, as well as in the coordination of their implementation (Section 92). In exceptional cases will the President, in a Council of Ministers, order the intervention of the Nicaraguan Army to support the National Police, when the stability of the Republic is threatened by serious internal disorder, calamities or natural disasters (Sec. 92)</p> <p>Direct international relations of the Republic. Negotiate, celebrate and sign treaties, pacts, agreements or the like to be approved by the National Assembly (Sec. 150, Sub. 8)</p> <p>Powers of the National Assembly*: Approve the deployment of national troops outside the country (Sec. 138, Sub. 26) and the entry of foreign troops only for humanitarian purposes (Sec. 92). Approve or dismiss international agreements celebrated with countries or organizations subject to International Law (Sec. 138, Sub. 12).</p>	<p>Mission: to defend national sovereignty, independence and territorial integrity (Sec. 92). It is a national institution of professional character, unaffiliated with any political party, apolitical, obedient and non-deliberating. Members of the Army should receive permanent patriotic and civic education and be trained in international human rights law (Sec. 93).</p> <p>Organization, structures, activities, ranks, promotions, retirements and everything related to its operational development is specified in the law (Sec. 94).</p> <p>The Army is strictly subject to the Political Constitution, to which it respects and obeys, and is subject to civil authority as exercised by the President. No other armed bodies may exist in the national territory, or military ranks other than those specified by law (Sec. 95). Members of the Army are able to temporarily occupy positions within the Executive for reasons of national security when the Nation's supreme interests dictate it. In this case, the individual will be under commission of external service for all legal purposes. (Sec. 95).</p> <p>Bodies of the Army are prohibited from engaging in activities of political espionage (Sec. 96).</p> <p>They cannot perform party-political activities or hold a position in political organizations; they cannot stand for public office if they have not left their active military post at least a year prior to the elections (Sec. 94); they cannot be Ministers, Deputy Ministers, Presidents or Directors of government or autonomous entities, Ambassadors (Sec. 152), magistrates of justice (Sec. 161, Sub. 6) or of the Supreme Electoral Council (Sec. 171, Sub. d). In the last two cases, they must leave their post twelve months prior to the elections.</p> <p>There is no obligatory military service, and all kinds of forced recruitment into the Army or the Police are forbidden (Sec. 96).</p> <p>Crimes and offenses of strictly military nature committed by members of the Army come under the jurisdiction of Military Tribunals. Common crimes and offenses committed by the military are under the jurisdiction of common courts. In no case will civilians be subject to the decisions of military courts (Sec. 93).</p> <p>The establishing of foreign military bases in the national territory is prohibited. The transit or parking of foreign ships, aircraft, machinery and military personnel may be authorized for humanitarian purposes, training, education and exchange, upon the request of the President and ratification of the Assembly (Section 92).</p>

Panama 1972, last reform 2004	
Leading Political Procedures	Public Force
<p>Powers of the President: To ensure the preservation of public order (Sec. 183, Sub. 3). To head foreign relations; conclude international treaties and agreements, which will be submitted for consideration to the Legislature; and accredit and receive diplomatic and consular agents. Confer promotion to members of police services according to the police career and applicable legal provisions (Sec. 184, Sub. 9 and 13).</p> <p>Powers of the National Assembly*: Approve or reject, prior to their ratification, international treaties and agreements made by the Executive. Declare war and empower the Executive to make peace (Sec. 159).</p> <p>Government Council: It is the meeting of the President, who presides it along with the Vice President of the Republic and State Ministers (Sec. 199). Its functions include, under the collective responsibility of all its members, decreeing states of emergency and the suspension of relevant constitutional provisions (Sec. 200, Sub. 5).</p>	<p>The Republic of Panama shall have no army. All Panamanians are obliged to take up arms to defend national independence and the territorial integrity of the State. For the preservation of public order, for the protection of life, honour and property of those under the jurisdiction of the State, and for the prevention of criminal offenses, the Law shall organize the necessary police services, with separate controls and career.</p> <p>In the face of foreign aggression, special police services may be temporarily organized by law for the protection of the Republic's borders and jurisdictional territory. The President is the chief of all the services established; and as agents of the State these shall be subordinate to the civil power and therefore abide by orders issued by national, provincial or municipal authorities in the exercise of its statutory functions (Sec. 310).</p> <p>The police services have no deliberative function and may not make political statements or representations in individual or collective form. They may not become involved in partisan politics, other than in exercising their right to vote (Sec. 311).</p>

Paraguay 1992, last reform 2022	
Leading Political Procedures	Military Instrument
<p>Powers of the President: Commander-in-Chief of the Armed Forces (Sec. 238, Sub. 9). Adopt the necessary measures for the national defence (Sec. 238, Sub. 9). Declare the state of national defence, in case of external aggression, with the approval of the Congress (Sec. 238, Sub. 7). Make peace with the approval of the Congress (Sec. 238, Sub. 7). Appoint senior officers of the public force (Sec. 238, Sub. 9). Issue military regulations and arrange, organize and distribute the Armed Forces (Sec. 238, Sub. 9).</p> <p>Powers of the Congress: Approve or dismiss international treaties (Sec. 141 and Sec. 202, Sub. 9). Approve the appointment of senior officers (Senate) (Sec. 224, Sub. 2). Authorize the entry of foreign troops to the territory of the Republic and allow the deployment of national armed forces outside the country, except in cases where this is required for courtesy reasons. (Sec. 183 Sub.3). Approve the entry of foreign troops to the national territory and the deployment of national troops outside the country (Senate) (Sec. 224, Sub. 5).</p>	<p>They are a permanent, professional, non-deliberating and obedient institution, subordinated to the powers of the State, to the provisions of the Constitution, and to the law (Sec. 173)</p> <p>Mission: safeguard the territorial integrity and defend the legitimately constituted authorities (Sec. 173)</p> <p>The members of the military on active duty will conform their actions to the laws and regulations. Military service is compulsory and must be based on full respect of human dignity. In times of peace, it will not exceed twelve months (Sec. 129)</p> <p>They cannot be affiliated to any political party or movement or engage in any type of political activity (Sec. 173); they cannot be elected President or Vice President, except for those who retire at least one year prior to the day of election (Sec. 235, Sub. 7)</p> <p>Police or military personnel on active duty cannot be candidates for senators or deputies (Sec. 197).</p> <p>Military courts will hear only crimes and offences of a military nature, committed by military personnel on active duty. Their decisions can be overturned by courts of law (Sec. 174). Only in cases of an armed international conflict can military courts have jurisdiction over civilians and retired military personnel (Sec. 174).</p>

* Denomination used in the constitutional text

Peru 1993, last reform 2023	
Leading Political Procedures	Military Instrument
<p>Powers of the President: Ensure external security (Sec. 118, Sub. 4). Preside the national defence system; organize, deploy and arrange the Armed Forces (Sec. 118, Sub. 14). Adopt the necessary measures to ensure the defence of the Republic, the integrity of the territory and the sovereignty of the State (Sec. 118, Sub. 15). Declare war and accord peace with the approval of the Congress (Sec. 118, Sub. 16). Authorize Peruvians to serve in a foreign army (Sec. 118, Sub. 23). Supreme Commander of the Armed Forces (Sec. 164 and Sec. 167). Grant promotions to Generals and Admirals (Sec. 172). Determine the number of troops (Sec. 172). Declare the state of siege in case of invasion, foreign or civil war, in accordance with the Council of Ministries (Sec. 137). Sign international treaties on national defence (Sec. 56, Sub. 3).</p> <p>Powers of the Congress: Approve international treaties on national defence (Sec. 56, Sub. 3). Have the troops available as requested by the President of the Congress (Sec. 98). Approve the entry of foreign troops to the national territory as long as it does not affect the national sovereignty in any way (Sec. 102, Sub. 8). Authorize the declaration of war and the signing of peace treaties (Sec. 118, Sub. 16).</p>	<p>The Armed Forces are composed of the Army, the Navy and the Air Force (Sec. 165). Mission: guarantee the independence, sovereignty and territorial integrity, to take control of the internal order in state of emergency if so provided by the President (Sec. 165)</p> <p>The respective laws and regulations determine the organization, functions, specialization, training, use and discipline (Sec. 168).</p> <p>They are non-deliberating and are subordinated to the constitutional power (Sec. 169). The ethical and civic training and the teaching of the Constitution and human rights are compulsory both in the civilian and military education process. (Sec. 14).</p> <p>The members of the military are not entitled to make collective petitions (Sec. 2, Sub. 20). They cannot run for elections or perform political activities while on active duty (Sec. 34); to set up unions or go on strike (Sec. 42). Members on active duty cannot be elected members of Parliament unless they have retired six (6) months prior to the election (Sec. 91, Sub. 4).</p> <p>They may not enter the floor of Congress without authorization from its President (Sec. 98).</p> <p>They can be ministers of State (Sec. 124).</p> <p>The law allocates funds for the logistical requirements of the Armed Forces (Sec. 170). The Armed Forces and the National Police participate in the social and economic development of the country, and in civil defence according to the law (Sec. 171).</p> <p>Military justice is established for the Armed Forces (Sec. 139, Sub. 1). Military courts may have jurisdiction over civilians in the cases of treason and terrorism (Sec. 173).</p>

Uruguay 1967, last reform 2004	
Leading Political Procedures	Military Instrument
<p>Powers of the President: Maintain and defend external security (Sec. 168, Sub. 1). Command the Armed Forces (Sec. 168, Sub. 2)</p> <p>Provide military posts and confer promotions, Grant retirements and manage pensions for civil and military employees in accordance with the law (Sec. 168, Sub. 3, 9, 11 and 14)</p> <p>Order to break off relations and, based on a prior resolution by the General Assembly, declare war if arbitration or other peaceful means have not been effective to avert a war (Sec. 168, Sub. 16).</p> <p>Take prompt security measures in serious unexpected events of external attack or internal unrest, upon informing the General Assembly (Sec. 168, Sub. 17). Enter into and sign treaties, which shall later be ratified with the approval of the Legislative Branch (Sec. 168, Sub. 20).</p> <p>Powers of the General Assembly*: Declare war and approve peace treaties (Sec. 85, Sub. 7). Approve the appointment of senior officers (Sec. 168, Sub. 11). Approve the entry of foreign troops to the national territory and the deployment of national troops outside the country (Sec. 85, Sub. 11 y 12). Approve the number of Armed Forces personnel (Sec. 85, Sub. 8). Establish militia regulations and determine time and number of recruitment (Sec. 85, Sub. 15).</p>	<p>Members of the military on active duty cannot have a position in the government, form part of commissions or political parties, subscribe to party manifests, authorize the use of their name and execute any other public or private political act, except voting (Sec. 77, Sub. 4).</p> <p>They may not be candidates for representative, senator or President, unless they resign and cease to hold office three months before the election. Military personnel who resign their post and salary in order to enter the Legislative Body shall retain their rank, but during their legislative functions they may not be promoted, they shall be exempt from all military subordination and the time they remain in legislative functions shall not be counted for the purposes of seniority for promotion (Sec. 91, sub. 2; Sec. 92; Sec. 100; Sec. 171).</p> <p>Military justice for military crimes in state of war. Common crimes committed by members of the Armed Forces in times of peace, wherever they are committed, shall be subject to ordinary justice (Sec. 253).</p>

Venezuela 1999, last reform 2009	
Leading Political Procedures	Military Instrument
<p>Powers of the President: Commander-in-Chief of the National Armed Force. Exercise the supreme hierarchical authority and highest command (Section 236, sub. 5 and 6). Establish the armed forces strength (Sec. 236, Sub. 5). Promote officers starting at the rank of colonel or naval captain and appoint them to the positions exclusively reserved to them (Sec. 236, Sub. 6). Convene and preside over meetings of the National Defence Council (Sec. 236, Sub. 23)</p> <p>The President of the Republic, in a Council of Ministers, can declare the state of exception (Sec. 337).</p> <p>Powers of the General Assembly*: Authorize the operation of military missions abroad or foreign military missions within the country (Sec. 187, Sub. 11). Approve any international treaties or agreements signed by the National Executive (Sec. 187, Sub. 18)</p> <p>Powers of the General Assembly*: It is the highest consultative body for planning and advising the Public Authority on matters related to the integral defence of the Nation, its sovereignty and the integrity of its geographical space and it establishes the strategic concept of the Nation. It is presided over by the President and includes the Vice President, the President of the National Assembly, the Chairman of the Supreme Tribunal of Justice, the Chairman of the Republican Moral Council, and the Ministers of Defence, Internal Security, Foreign Affairs and Planning, and other whose participation may be deemed appropriate (Sec. 323).</p>	<p>The National Armed Force*: It is an essentially professional institution, with no political orientation, organized by the State, at the exclusive service of the Nation. It is founded on discipline, obedience and subordination. The National Armed Force is composed of the Army, the Navy, the Air Force and the National Guard Its mission is to guarantee the independence and sovereignty of the Nation and ensure the integrity of its geographical space, through military defence, cooperation in the maintenance of internal order, and active participation in national development (Sec. 328).</p> <p>Their essential responsibility is the planning, execution and control of military operations, as required to ensure the defence of the Nation. The National Guard shall cooperate in the development of these operations and shall have as basic responsibility that of conducting operations as required maintaining internal order within the country. The National Armed Force shall carry out activities of administrative policing and criminal investigation as provided by law (Sec. 329).</p> <p>Members of the military on active duty can vote. They are not allowed to run for elections, or to participate in propaganda, militancy or proselytizing (Sec. 330). Military promotions shall be effective in accordance with merit, hierarchy and vacancies. They are the exclusive prerogative of National Armed Forces in accordance with the corresponding law (Sec. 331).</p> <p>Military justice for military crimes, its judges shall be elected by competitive procedures (Sec. 261). The Supreme Court of Justice declares whether or not there is merit for the prosecution of general officers and admirals (Sec. 266, sub. 3).</p> <p>The General Controller of the National Armed Forces monitors, controls and audits revenues, expenses and property allocated to the National Armed Force and their dependencies; without detriment to the higher competence and scope of the General Comptroller of the Republic (Sec. 291).</p>

* Denomination used in the constitutional text

Constitutional Missions of the Armed Forces



Source: Compilation based on each country's Constitution, National regulations complementing those presented on this map regarding the missions of the Armed Forces may exist. For more information, please refer to the "Countries" section of this publication. The cases of Costa Rica and Panama are not included as the table specifically refers to armed forces.

Additional References - Legislation*

GUARANTEE CONSTITUTIONAL ORDER / STABILITY OF LEGALLY-CONSTITUTED GOVERNMENT



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COUNTRIES IN THE REGION PROVIDE FOR IT IN THEIR LEGISLATION

COOPERATE TO ESTABLISH INTERNAL ORDER/SECURITY**



18 OF 18

COUNTRIES IN THE REGION PROVIDE FOR IT IN THEIR LEGISLATION

NATIONAL DEVELOPMENT/ ENVIRONMENT



11 OF 18

COUNTRIES IN THE REGION PROVIDE FOR IT IN THEIR LEGISLATION

PROVIDE SUPPORT IN THE EVENT OF DISASTERS ***



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COUNTRIES IN THE REGION PROVIDE FOR IT IN THEIR LEGISLATION

INVOLVEMENT IN PEACE OPERATIONS



10 OF 18

COUNTRIES IN THE REGION PROVIDE FOR IT IN THEIR LEGISLATION

	 Guarantee constitutional order/stability of legally-constituted government	 Cooperate to establish internal order / security**	 National development/ environment	 Provide support in the event of disasters***	 Involvement in peace operations
Argentina					
Bolivia					
Brazil					
Chile					
Colombia					
Cuba					
Dominican Republic					
Ecuador					
El Salvador					
Guatemala					
Haiti					
Honduras					
Mexico					
Nicaragua					
Paraguay					
Peru					
Uruguay					
Venezuela					

* In addition to the defence of national sovereignty.

** Three of the countries allow for it in the event of a state of emergency.

*** In two other countries, it is provided for if a state of emergency or national disaster is declared.

Note: The cases of Costa Rica and Panama are not included as the table specifically refers to the Armed Forces.



Guarantee the constitutional order / stability of the legally-constituted government:

- Guarantee the supremacy of the country's Political Constitution and the stability of the legally-constituted Government (Organic Law of the Armed Forces, Sec. 6, Sub. A - Bolivia).
- Guarantee the institutional order of the Republic (Constitutional Organic Law of the Armed Forces, Sec. 1 - Chile).
- The primary mission of the Military Forces is to defend the national sovereignty, independence, territorial integrity and constitutional order (Decree 1512-2000, Sec. 27 - Colombia).
- Guarantee the legal and democratic order of the rule of law (Organic National Defence Law, Sec. 2 - Ecuador).
- Cooperate in maintaining the State's constitutional order (Organic Law of the Mexican Navy, Sec. 2 - Mexico).
- Guarantee the Rule of Law, constitutional order and democratic form of government, as consecrated in the Political Constitution (National Defence Law, Sec. 5 and 16 - Nicaragua).
- Defend the legally-constituted authorities (Law of general organization of the Armed Forces of the Nation, Sec. 6 - Paraguay).



Cooperation with internal order/security:

- The Armed Forces will be employed to restore domestic security within the national territory in exceptional cases, as specified (Domestic Security Law, Sec. 31 - Argentina).
- Cooperate, if necessary, in the maintenance of public order, upon request of the Executive Branch, according to the Political Constitution of the State (Organic Law of the Armed Forces, Sec. 6. G - Bolivia).
- Provide military assistance when the National Police is unable, on its own, to contain severe disorders or faces a disaster or public calamity (Decree 1512, Sec. 79 - Colombia).
- The President of the State Council may decide to use the Armed Forces in order to maintain internal order and protect the citizens, even if a state of emergency has not been declared (National Defence Law, Sec. 35 - Cuba).
- In order to safeguard internal security, maintain and control public order and security, the Armed Forces may support operations, in a supplementary manner, to enhance the competences of the National Police (Public and State Security Law, Sec. 11 - Ecuador).
- The units of the Guatemalan Army may support the Civil Security Forces in their role to prevent and combat organized crime and common delinquency, as deemed necessary, when the security of the country may require their assistance, or the regular means available to the civil security forces may be inadequate (Law for the Support to the Civil Security Forces, Sec. 1 - Guatemala).
- The Armed Forces of Honduras will furnish all the support required by the Interagency Security Strategy and the TIGRES Unit, to be requested through the corresponding legal channels (Interagency Security Strategy and Comprehensive Government Special Security Response (*Toma Integral Gubernamental de Respuesta Especial de Seguridad*, TIGRES) Law, Sec. 1 - Honduras).
- Guarantee domestic security (Organic Law of the Army and Air Force, Sec. 1 - Mexico).
- Assist in maintaining the peace and order of the nation in cases of extreme necessity (Code of organization, jurisdiction and military social security, Sec. 2, Sub. 2 and 6 - Nicaragua).
- Cooperate to restore law and order, as ordered by the President of the Republic, by means of a well-founded Decree (Law of General Organization of the Armed Forces No. 74-216, Sec. 7, Sub. E - Paraguay).
- Support and assist the National Police to maintain or restore public order in exceptional cases (Organic Law of the Armed Forces, Sec. 5- Dominican Republic).
- Contribute to keep or restore internal order in the event of serious social disturbances, upon decision of the President of the Republic and Commander in Chief of the Bolivarian National Armed Forces (Constitutional Law of the Bolivarian National Armed Forces, Sec. 2, Sub. 7 - Venezuela).



Participation in national development / environment protection:

- Cooperate with national development as subsidiary function (Complementary Law 136, Sec. 16 - Brazil)
- Train human resources to carry out infrastructure, social, productive work, particularly in border areas. They may participate in the basic and strategic industries of the country (Law of the Armed Forces, Sec. 13 and 14 - Bolivia).
- The Army also considers its contribution to national development as a continuing task (Decree 86/2006, General Ordinance of the Chilean Army, Sec. 32 - Chile).
- Take care over the whole national territory of the protection and defence of the environment and renewable natural resources (Law by which the National Environmental System is organized, Sec. 103 - Colombia)
- Possessing a structure that allows the use of its members in activities contributing to the country's economic and social development and environmental protection (National Defence Law, Sec. 34 - Cuba).
- Ensure the full application of legal dispositions regarding the conservation of forests, protected areas and wildlife (Decree of specialized unit in matters of ecosystem and environment, Sec. 4 Sub. 2 - Honduras).
- Perform civil actions and social work fostering the country's development (Organic Law of the Army and Air Force, Sec. 1 - Mexico).
- Contribute to the country's development and support its health plans, education, environmental preservation and renewal of its natural resources, including the required environmental balance (National Defence Law, Sec. 16 - Nicaragua).
- Take part in the implementation of state policies on economic and social development for the country, Amazonian affairs and environmental protection (Peruvian Army Law, Sec. 4, Sub. 8 - Peru).

- Whenever ordered by the President of the Republic, serve in programs aimed at promoting the country's social and economic development (Organic Law of the Armed Forces, Art. 5 - Dominican Republic).
- Contribute to training and educating the general population in civil defence, mobilization and civil protection; help protect and safeguard the environment and sustainable use of strategic resources as deter-

mined by the Executive branch, in coordination with other competent bodies; and contribute to strengthening training and infrastructure. In addition, they may take part in the production of goods and services for Defence, as well as assist in the production of those deemed strategic for their features for national development (Organic Law of the Armed Forces, Sections 22 and 23 - Uruguay).



Support in the event of disaster:

- Operations supporting the national community or friendly countries (Armed Forces Restructuring Law, Sec. 6 - Argentina).
- Cooperate with civil defence (Complementary Law 136, Sec. 16 - Brazil)
- The National System for Risk Reduction and Response to Disasters and/or Emergencies - SISRADE, at the institutional level, is under the organization of the Armed Forces and the Bolivian Police, according to their competencies (Risk Management Law, Sec. 8 - Bolivia).
- The Ministry of National Defence shall be responsible for preparing plans and operational protocols for the coordinated involvement of the Armed Forces in all phases of the disaster risk cycle (Law establishing the National System for Disaster Prevention and Response, Sec. 16 - Chile).
- As members of the National Disaster Management Committee, the chiefs of staff of the Air Force, Navy and Army guide the formulation, implementation, monitoring and evaluation of the National Risk Management Plan with a focus on the aspects of preparedness for response and recovery (Law 1,523 dated 2012, Sec. 24 and 25 - Colombia).
- The President of the State Council may decide the use of the armed institutions to face and remove the consequences of natural disasters or other types of disasters (National Defence Law, Sec. 35 - Cuba).
- Coordinate with civilian authorities the pertinent activities to assist the general population in emergency cases, within their area of responsibility (Organic Law of the Armed Force of El Salvador, Sec. 45, Sub b - El Salvador).
- Assist the population in cases and zones of disaster or emergency (Organic Law of the Navy, Sec. 2, Sub. VII). In the event of disaster,

help in the maintenance of public order, protection to people and their property and reconstruction of areas affected (Organic Law of the Army and Air Force, Sec. 1 - Mexico).

- Contribute to strengthening the risk management policy, based on the prevention, mitigation and management of natural disasters (National Defence Law, Sec. 16, Sub. 2 - Nicaragua).
- Cooperate in civil defence (General Organization Law of the Armed Forces, N° 74-216, Sec. 7, Sub. D - Paraguay).
- The Armed Forces will be involved in Disaster Risk Management for disaster preparedness and response actions, according to their competences, in coordination with and support to the pertinent authorities (Law establishing the National Disaster Risk Management System (SINAGERD), Sec. 17 - Peru).
- Intervene whenever ordered by the President of the Republic in order to mitigate disasters and public emergency events (Organic Law of the Armed Forces, Sec. 5 - Dominican Republic).
- Participate in civil protection operations in disaster situations. Support communities in case of disaster, public calamities and similar events (Organic Law of the Bolivarian National Armed Forces, Sec. 4, Sub. 6 and 15).
- Take on actions entrusted to them for the prevention of disaster-related risks, the mitigation and attention to the phenomena that occur and the immediate rehabilitation and recovery tasks required, within the framework of the National Emergency System or in the areas determined by the Executive Power (Organic Law of the Armed Forces, Sec. 22 - Uruguay).



Participation in peace operations:

- Operations under the auspices of the United Nations (Armed Forces Restructuring Law, Sec. 6 - Argentina).
- The employment of the Armed Forces in peace operations is a responsibility of the President (Complementary Law 136, Sec. 15 - Brazil).
- Departure of national troops from the territory of the Republic in order to participate in peace operations organized under the Charter of the United Nations (Law that establishes rules for the participation of Chilean troops in peace operations, Sec. 7 - Chile).
- In the case of Colombia, there are no specific examples to date. However, Law 1794 was passed in 2016 to adopt the "Framework Agreement between the United Nations and the Government of the Republic of Colombia regarding contributions to the United Nations Standby Arrangements System for Peacekeeping Operations", signed in New York City on January 26, 2015, (Law 1794 - Colombia).
- They may participate in peacekeeping and humanitarian assistance operations, according to the country's foreign policy and United Nations' requirements (Organic National Defence Law, Sec.

16, Sub. 0 - Ecuador).

- Take part in international peacekeeping and humanitarian assistance operations, in accordance with the UN Charter (National Defence Law, Sec. 16 - Nicaragua).
- Paraguay may participate with its military institutions in peace missions promoted by international organizations of which it is a member (National Defence and Internal Security Law, Sec. 35 - Paraguay).
- Take part in Peace Operations led by the United Nations (UN) or other international organizations (Law of the Army of Peru, Sec. 4, Sub. 8 - Peru).
- Missions abroad that are not directly related to the Republic's defence shall be promoted by international organizations of which the State is part (National Defence Framework Law, Sec. 21 and 22 - Uruguay).
- Participate in peace missions (Organic Law of the Bolivarian National Armed Forces, Sec. 4, Sub. 5 - Venezuela)

Source: Compilation based on abovementioned laws. Reference is made to missions specifically named in the legislation regardless of such duties provided for in constitutional mandates. However, this does not imply an exhaustive set of missions to be performed.

Military and Civic and Electoral Participation

Can they vote?



Can officers be candidates for elected positions in Congress?

	Eligibility	Required retirement period before candidacy
Argentina ¹	Not on active duty	--
Bolivia ²	Not on active duty	3 months
Brazil ³	Not on active duty	Less than ten years of service: must step aside from active duty.
	Yes, with conditions	More than ten years of service: if elected, must leave active duty.
Chile ⁴	Not on active duty	12 months
Colombia ⁵	Not on active duty	12 months
Costa Rica ⁶ (Police Services)	Not on active duty	6 months
Cuba ⁷	Yes	
Dominican Republic ⁸	Not on active duty	--
Ecuador ⁹	Not on active duty	--
El Salvador ¹⁰	Not on active duty	3 months
Guatemala ¹¹	Not on active duty	--
Haiti ¹²	Not on active duty	24 months
Honduras ¹³	Not on active duty	6 months
Mexico ¹⁴	Not on active duty	6 months
Nicaragua ¹⁵	Not on active duty	12 months
Panama ¹⁶ (Police Services)	Not on active duty	--
Paraguay ¹⁷	Not on active duty	90 days
Peru ¹⁸	Not on active duty	6 months
Uruguay ¹⁹	Not on active duty	3 months
	Yes, with conditions	Resignation from post and salary, outside the region.
Venezuela ²⁰	Not on active duty	--

Required retirement period before candidacy



Note: Argentina, Brazil, Dominican Republic, Ecuador, Guatemala, Panama and Venezuela without time specification in the constitutional text.

Notes

1. Argentina: Law 19,101, Section 7, Subsection 6. Essential duties imposed on the military status for active-duty personnel: it establishes that they shall not accept or serve in elective government positions and may not take part, directly or indirectly, in the activities of political parties.
2. Bolivia: Art. 238 Sub. 12 of the Constitution: the members of the Armed Forces in active duty shall not hold elective public office unless they have previously resigned at least three months prior to the election.
3. Brazil: Art. 14, Sub. 8 of the Constitution: military personnel are eligible under the following conditions: I - If the member has less than ten years of service, they leave the military, II - If the member has more than ten years of service, they will be designated by the higher authority and, if elected, they will automatically be retired upon receiving the diploma of election.
4. Chile: Art. 57, Sub. 10 of the Constitution: Commanders-in-Chief of the Army, Navy and Air Force, and officers from the Armed Forces who have held the aforementioned titles or positions in the year immediately prior to the election may not be candidates for deputies or senators.
5. Colombia: Art. 179 of the Constitution: individuals who have served as government employees, have held political, civil, administrative or military authority or jurisdiction within twelve months prior to the date of the election may not serve as members of Congress. Vote: Art. 219 of the Constitution: members of the Public Force shall not vote while on active duty.
6. Costa Rica: Art. 109 of the Constitution: military members in active duty may not be candidates or be elected as Deputies. This shall not affect individuals who may have held the mentioned positions within six months prior to the date of the election.
7. Cuba: Art. 134 of the Constitution: members of the Revolutionary Armed Forces and other armed institutes have the right to vote and be elected in the same capacity as other citizens.
8. Dominican Republic: Law 139-13 art. 109, paragraph IV: Any member of the Armed Forces, who may engage, during retirement or separation from the military, in proven political and partisan activities, shall not be reinstated, according to the provisions of numeral 3, art.252, Chapter I, Title XII of the Constitution of the Republic. Vote: Art. 208 of the Constitution: members of the Armed Forces do not have the right to vote.
9. Ecuador: Art. 113, Sub. 8, and 152 of the Constitution: members of the Armed Forces and the National Police on active duty may not be candidates for popular election.
10. El Salvador: Art. 127 of the Constitution: senior military members of the armed forces may not be candidates to Congress. The incompatibility affects those who have held office within three months prior to the election.
11. Guatemala: Art. 164 of the Constitution: military members on active duty cannot serve as members of Congress. Vote: Art. 238 of the Constitution: members of the Guatemalan Army on active duty cannot exercise the right to vote.
12. Haiti: Art. 267, Sub. 1 of the Constitution: to run for office, active-duty military members must resign or retire two years prior to the elections.
13. Honduras: Art. 199 and 240 of the Constitution: military chiefs with national jurisdiction and military members in active duty six months prior to the date of the election may not be elected as deputies: Vote: Art. 37 of the Constitution: Citizens from the Armed Forces and the State Security Corps in active duty may not exercise the right to vote.
14. Mexico: Art. 55, 58 and 82, Sub. 5 of the Constitution: in order to run for Deputy, the member shall not be in active duty in the Federal Army at least ninety days prior to the act.
15. Nicaragua: Art. 94 of the Constitution: members of the Nicaraguan Army may not run for public office if they have not resigned from active military or police service at least one year prior to the elections in which they intend to participate.
16. Panama: Art. 311 of the National Constitution: the police services cannot be deliberant and its members may not make any political manifestations or statements individually or collectively, neither may they intervene in partisan politics, except to cast their vote.
17. Paraguay: Art. 197 of the Constitution: military members in active duty may not be candidates for Senators or Deputies. They shall retire from service to become candidates at least ninety days before the date of registration of their candidate list at the Higher Court of Electoral Justice.
18. Peru: Art. 91 of the Constitution: active members of the Armed Forces cannot be elected members of the National Parliament unless they have resigned from office six months prior to the election.
19. Uruguay: Art. 91 of the Constitution. The military may not be candidates to Representatives in the region where they have exercised command of the force or any other military function, unless they previously resign and cease in their positions three months prior to the election. Art. 92: The members of the military who resign to their position and salary to enter the Legislative body shall keep their rank. However, during their legislative role, they may not be promoted, they shall be exempted from any military subordination and the time they serve in the legislative role shall not be counted for purposes of seniority for promotion.
20. Venezuela: Art. 330 of the Constitution: members of the National Armed Forces in active duty are not allowed to run for elected office, nor take part in acts of propaganda, political activism or proselytism.

Source: Compilation based on constitutional texts and the legislation of each country.